

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

CHRISTOPHER HARKINS, *et al.*,

*Plaintiffs,*

v.

THE UNITED STATES OF AMERICA,

*Defendant.*

Case No. 23-1238C

Judge Bonilla

**DECLARATION OF BRANDON JOHNSON IN SUPPORT OF  
MOTION FOR CLASS CERTIFICATION**

I, Brandon Johnson, pursuant to 28 U.S.C. §1746, declare as follows:

1. My name is Brandon Johnson and I am over the age of 18.
2. I am an attorney duly admitted to practice law in the State of New York and the District of Columbia. I was admitted to the New York Bar in 2001 and to the Washington, D.C. Bar in 2008. I am currently in good standing with both.
3. I submit this declaration in support of the Plaintiffs' Motion for Class Certification. The facts stated are true of my own personal knowledge and if called to testify to such facts, I could and would do so competently.
4. I have been retained by Plaintiffs to represent them in this action as co-counsel with Mr. Dale F. Saran, Col. Barry Steinberg (ret.). and Mr. J. Andrew Meyer (referred to hereinafter as the "Military Backpay Attorneys"), who are each submitting their own declarations in support of the present motion for class certification.
5. I have over 20 years of experience with administrative, regulatory, civil and constitutional litigation before state and federal regulatory agencies and federal district and appellate courts with leading international law firms (Freshfield Bruckhaus Deringer, King &

Spalding, Kirkland & Ellis, Gibson Dunn & Crutcher), as senior in-house counsel at Berkshire Hathaway Energy and general counsel to for start-up energy and medical technology companies, and as an attorney-advisor with the Federal Energy Regulatory Commission.

6. I was admitted to the U.S. Court of Federal Claims Bar on June 16, 2023.

7. I have been co-counsel with the Military Backpay Attorneys since the commencement of this action on August 4, 2023. I am also co-counsel with the other Military Backpay Attorneys in two related putative class actions on behalf of service members filed in the U.S. Court of Federal Claims in *Botello v. United States*, No. 23-174C, and *Bassen v. United States*, No. 23-211C.

8. From October 2021 until dismissed as moot in 2023 due to Congress' rescission of the mandate, I was lead counsel or co-counsel in several related individual and putative class actions filed in various U.S. District Courts making raising similar challenges to the Department of Defense's COVID-19 vaccine mandate under the First Amendment, the Religious Freedom Restoration Act, and the Administrative Procedure Act, including: *Bazzrea v. Austin*, Case No. 3:22-cv-265 (S.D. Tex.) (putative class action for U.S. Coast Guard members); *Bongiovanni v. Austin*, 3:22-cv-580 (M.D. Fla.); *Coker v. Austin*, Case No. 3:21-cv-1211 (N.D. Fla.); *Davis v. Austin*, 3:22-cv-237 (M.D. Fla.); *Wilson v. Austin*, 4:22-cv-438 (E.D. Tex.) (putative class action for members of the U.S. Air Force/Space Force, Army, Marine Corps and Navy). I also represented a putative class of military chaplains challenging the DoD's COVID-19 mandate in *Alvarado v. Austin*, Case No. 1:22-cv-00876 (District Court for the Eastern District of Virginia).

9. As explained in greater detail in my co-counsel's declarations, Messrs. Saran and Meyer and myself have continuously since 2022 through the present represented over 100 Coast

Guard members who sought to challenge the mandate in *Bazzrea*, and who are putative members of the proposed class in *Harkins*.

10. In the event the Court grants Plaintiffs' Motion for Class Certification, I will continue to vigorously represent the interests of the named Plaintiffs and the proposed Class and any Sub-Classes that may be certified.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed this 8th day of July, 2025, in Washington, DC.

/s/ Brandon Johnson  
Brandon Johnson